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REFERENCE TITLE: racing; simulcasting; advance deposit wagering

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1474

Introduced by
Senator Burns

AN ACT

AMENDING SECTION 5-110, 5-111 AND 5-112, ARIZONA REVISED STATUTES; RELATING TO RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-110, Arizona Revised Statutes, is amended to
3 read:

4 5-110. Racing days, times and allocations; emergency transfer;
5 county fairs; charity days

6 A. Permits for horse, harness or dog racing meetings shall be approved
7 and issued for substantially the same dates allotted to permittees for the
8 same type of racing during the preceding year or for other dates that
9 permittees request, provided that, in the event there is a conflict in dates
10 requested between two or more permittees in the same county for the same kind
11 of racing, the permittee whose application is for substantially the same
12 dates as were allotted to the permittee in the preceding year shall be
13 entitled to have preference over other permittees. In the event two or more
14 permittees have agreed that the dates to be allotted to each of them each
15 year shall be alternated from one year to the next, the commission shall
16 recognize their agreement and such permittees may be accorded preference over
17 any other permittee as to those dates to be allotted to such permittees on an
18 alternating basis. Except as otherwise provided, the commission shall allot
19 dates to the respective permittees after giving due consideration to all of
20 the factors involved and the interests of permittees, the public and this
21 state.

22 B. The commission may require by the terms of any permit that the
23 permittee offer such number of races during any racing meeting as the
24 commission shall determine, provided that the permittee shall be permitted to
25 offer not less than the same number of races each day as offered in the prior
26 year. The commission shall require each horse racing permittee to conduct
27 for a period of thirty days a number of races equal to an average of not less
28 than two races for each day of racing exclusively for quarter horses. If, in
29 the opinion of the commission, the permittee is offering acceptable quarter
30 horse races but an honest effort is not being put forth to fill these races
31 by the horsemen, the commission may rescind the two race per day quarter
32 horse requirement.

33 C. Live racing and wagering on simulcast races shall be permissible in
34 either daytime or nighttime, but there shall be no live daytime dog racing **OR**
35 **HARNESS RACING** on the same day that there is live daytime horse ~~or harness~~
36 racing in ~~any~~ **THE SAME** county in which commercial horse or harness racing has
37 been conducted prior to February 1, 1971, and no live nighttime horse or
38 harness racing on the same day that there is live nighttime dog racing in the
39 same county. There shall be no wagering on simulcast dog races **OR SIMULCAST**
40 **HARNESS RACES OFFERED BY A DOG RACING PERMITTEE** before ~~4:15~~ **4:00** p.m.,
41 mountain standard time, on the same day that there is live daytime horse or
42 harness racing in ~~any~~ **THE SAME** county in which commercial horse or harness
43 racing has been conducted before February 1, 1971, and no wagering on
44 simulcast horse or **SIMULCAST** harness ~~racing~~ **RACES OFFERED BY A HORSE RACING**
45 **PERMITTEE** after 7:30 p.m., mountain standard time, on the same day that there
46 is live nighttime dog racing in the same county. The hours during which any

1 other dog, harness or horse racing is to be conducted shall be determined by
2 the commission. The application for a permit shall state the exact days on
3 which racing will be held and the time of day during which racing will be
4 conducted. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH THE
5 CONSENT OF ANY OTHER LIVE RACING PERMITTEE IN THE SAME COUNTY WHO HAS
6 CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS
7 PER YEAR IN EACH OF THE YEARS FROM 1994 TO 2004, A COMMERCIAL LIVE RACING
8 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
9 THAN FORTY DAYS PER YEAR IN EACH OF THE YEARS FROM 1994 TO 2004 MAY OFFER AND
10 CONDUCT WAGERING AT ANY TIME OF THE DAY OR NIGHT ON SIMULCAST RACING OF THE
11 SAME TYPE OF RACING AS THE PERMITTEE'S LIVE RACING PERMIT RECEIVED AT THE
12 RACE TRACK ENCLOSURE WHERE THE LIVE RACING IS CONDUCTED AND AT ANY ADDITIONAL
13 WAGERING FACILITY OWNED OR LEASED BY THE PERMITTEE IN THE SAME COUNTY AND IN
14 ANY OTHER COUNTY WITH THE CONSENT OF ANY PERMITTEE WHO HAS CONDUCTED LIVE
15 HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS OF LIVE RACING
16 PER YEAR IN EACH OF THE YEARS FROM 1994 TO 2004 IN THAT COUNTY.
17 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COMMERCIAL RACING
18 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
19 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH OF THE YEARS FROM 1994 TO
20 2004 MAY OFFER WAGERING ON SIMULCAST HARNESS RACING DURING THE TIME OF DAY
21 THE PERMITTEE IS ALLOWED TO CONDUCT LIVE OR SIMULCAST RACING AND, WITH THE
22 CONSENT OF ANY OTHER LIVE RACING PERMITTEE IN THE SAME COUNTY WHO HAS
23 CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS
24 PER YEAR IN EACH OF THE YEARS FROM 1994 TO 2004 MAY OFFER WAGERING ON
25 SIMULCAST HARNESS RACING ANY TIME OF THE DAY OR NIGHT AT THE PERMITTEES LIVE
26 RACING ENCLOSURE AND AT ANY ADDITIONAL WAGERING FACILITY OWNED OR LEASED BY
27 THE PERMITTEE IN THE SAME COUNTY. THE CONSENT PROVIDED FOR IN THIS SECTION
28 SHALL BE FOR A PERIOD OF NOT LESS THAN ONE YEAR AT A TIME.

29 D. If the commission determines that an emergency has obligated or may
30 obligate a permittee to discontinue racing at a location, the commission may
31 authorize the permittee to transfer racing for the number of days lost to any
32 other location.

33 E. A racing meeting, when operated by a county fair racing association
34 or under lease during the county fair to any individual, corporation or
35 association, shall not come under the limitation placed on days of racing in
36 this section.

37 F. The department shall be the judge of whether a county fair racing
38 meeting is being operated in accordance with ~~the provisions of~~ this
39 section. A county fair racing meeting conducted by an individual,
40 corporation or association, other than the properly authorized county fair
41 racing association, shall come under the general provisions of this article
42 the same as a commercial meeting. Notwithstanding this subsection, a county
43 fair racing meeting, whether conducted by a county fair racing association or
44 by an individual, corporation or association other than a county fair racing
45 association, is exempt from the requirement prescribed in section 5-111 to

1 pay to the state a percentage of the pari-mutuel pool collected at the
2 meeting.

3 G. The commission may allow a permittee, in addition to the days
4 specified in this permit, to operate up to three racing days during any one
5 meeting as charity days. From the amount deducted from the total handled in
6 the pari-mutuel pool on charity days, the permittee shall deduct an amount
7 equal to the purses and the cost of conducting racing on these days, and
8 shall donate the balance to nonprofit organizations and corporations ~~which~~
9 ~~THAT~~ benefit the general public, ~~which~~ ~~THAT~~ are engaged in charitable,
10 benevolent and other like work and ~~which~~ ~~THAT~~ are selected by the permittee
11 and approved by the department. In no event shall the amount given to
12 charity from charity racing days be less than the amount which otherwise
13 would have gone to this state as the state's share on a noncharity racing
14 day.

15 H. Notwithstanding any other provision of this chapter, any dog racing
16 permittee to which a permit to conduct dog racing in this state has been
17 issued may in any racing year modify the racing date allocations made to the
18 permittee for conducting dog racing at a track by reallocating up to
19 two-thirds of the racing dates allocated to that permittee for dog racing at
20 a track to another track in this state at which the permittee or a
21 corporation of common ownership to the permittee conducts dog racing. For
22 the purpose of this section a corporation of common ownership to the
23 permittee is a corporation ~~which~~ ~~THAT~~ is owned or controlled, directly or
24 indirectly, by the same corporation that owns or controls the permittee and
25 ~~which~~ ~~THAT~~ holds a permit to conduct dog racing in this state.

26 I. Notwithstanding any other provision of this article, any dog racing
27 permittee that has offered live dog racing in eight out of ten calendar years
28 from 1980 to 1990 in counties that have a population of less than five
29 hundred thousand persons according to the most recent United States decennial
30 census shall be considered as operating a racetrack enclosure for all
31 purposes under this article and shall not be required to conduct live racing
32 as a condition of that permittee's racing permit. Any permittee qualified
33 under this subsection may conduct wagering on telecasts of races conducted at
34 racetrack enclosures within this state or at racetrack enclosures outside
35 this state without offering live racing at that permittee's racetrack
36 enclosure.

37 Sec. 2. Section 5-111, Arizona Revised Statutes, is amended to read:

38 5-111. Wagering percentage to permittee and state; exemptions

39 A. The commission shall prescribe rules governing wagering on races
40 under the system known as pari-mutuel wagering. Wagering shall be conducted
41 by a permittee only by pari-mutuel wagering and only on the dates for which
42 racing or dark day simulcasting has been authorized by the commission.
43 Wagering for a licensed racing meeting shall be conducted by a **COMMERCIAL**
44 **LIVE RACING** permittee only within an enclosure in which authorized **LIVE**
45 racing takes place and, in counties having a population of less than five
46 hundred thousand persons or at least one million five hundred thousand

1 persons, as shown by the most recent United States decennial census, at those
2 additional facilities ~~which THAT~~ are owned or leased by a permittee, ~~and~~
3 ~~which THAT ARE APPROVED BY THE COMMISSION AND THAT~~ are used by a permittee
4 for handling wagering as part of the pari-mutuel system ~~and pool of the~~
5 ~~permittee at the enclosure where the authorized racing is conducted~~ OF THE
6 COMMERCIAL LIVE RACING PERMITTEE. In all other counties, wagering may also
7 be conducted at additional facilities ~~which THAT~~ are owned or leased by a
8 COMMERCIAL LIVE RACING permittee who is licensed to conduct live racing in
9 those counties or who has the consent of all commercial RACING permittees
10 currently licensed to conduct live racing in those counties and ~~which THAT~~
11 are used by a permittee for handling wagering ~~and~~ as part of the pari-mutuel
12 system ~~and pool of the permittee at the enclosure where the authorized~~ OF THE
13 COMMERCIAL LIVE racing ~~is conducted~~ PERMITTEE. If the additional facilities
14 have not been used for authorized racing before their use for handling
15 wagering, a permittee shall not use the facilities for handling wagering
16 before receiving approval for such use by the governing body of the city or
17 town, if located within the corporate limits, or by the board of supervisors,
18 if located in an unincorporated area of the county. A permittee may televise
19 ~~the ANY LIVE~~ races OR ANY SIMULCAST RACES RECEIVED AT THE PERMITTEE'S RACING
20 ENCLOSURE to the additional facilities at the times the races are conducted
21 OR RECEIVED AT THE PERMITTEE'S RACING ENCLOSURE. For the purpose of section
22 5-110, subsection C only, a race upon which wagering is permitted under this
23 subsection shall be deemed to also occur at the additional facility in the
24 county in which the additional facility is located, and as such shall be
25 limited in the same manner as actual live racing in such county. For the
26 purpose of subsections B and C of this section, the wagering at the
27 additional facility shall be deemed to occur in the county in which the
28 additional facility is located.

29 B. During the period of any permit for dog racing in any county, the
30 state shall receive five and one-half per cent of all monies handled in the
31 pari-mutuel pool operated by the permittee, to be paid daily during the
32 racing meeting. In all counties having a population of one million five
33 hundred thousand persons or more, according to the most recent United States
34 decennial census, four and three-quarters per cent of the gross amount of
35 monies handled in a pari-mutuel pool shall be deducted from the pari-mutuel
36 pool and shall be deposited daily into a trust account for the payment of
37 purse amounts. In counties having a population of less than one million five
38 hundred thousand persons according to the most recent United States decennial
39 census, four per cent of the gross amount of monies handled in a pari-mutuel
40 pool shall be deducted from the pari-mutuel pool and shall be deposited daily
41 in a trust account for the payment of purse amounts. In addition,
42 twenty-five per cent of any reduction in pari-mutuel taxes each year
43 resulting from the application of the hardship tax reduction credit
44 determined pursuant to subsection I of this section shall be deposited in the
45 trust account for supplementing purse amounts in an equitable manner over the
46 racing meeting as determined by the commission. Notwithstanding any other

1 provision of this subsection, the percentage paid by a permittee to the state
2 does not apply to monies handled in a pari-mutuel pool for wagering on
3 simulcasts of out-of-state races. During a week in which a permittee
4 conducts live racing at the permittee's racetrack enclosure, the permittee
5 shall deduct from monies handled in a pari-mutuel pool for wagering on
6 simulcasts of out-of-state races and deposit daily in a trust account for the
7 payment of purse amounts the same percentage of the pari-mutuel pool as is
8 deducted for purses for live races unless otherwise agreed by written
9 contract. Unless otherwise agreed by written contract, if the commission
10 reasonably determines that live racing will not be conducted within one
11 calendar year at a racetrack enclosure, the permittee shall deduct from
12 monies handled in a pari-mutuel pool for wagering on simulcasts of
13 out-of-state races and deposit daily in a trust account to supplement purses
14 of any dog track where live racing is conducted within a one hundred mile
15 radius. The supplementing provided by this subsection shall be in the most
16 equitable manner possible as determined by the commission. The permittee
17 shall allocate the funds in the trust account and pay purse amounts at least
18 biweekly. The permittee ~~may~~, at the permittee's discretion, **MAY** pay
19 additional amounts to augment purses from the amounts received by the
20 permittee under this subsection.

21 C. During the period of a permit for horse, harness or dog racing, the
22 permittee ~~which~~ **THAT** conducts such meeting may deduct up to and including
23 twenty-five per cent of the total amount handled in the regular pari-mutuel
24 pools and ~~may~~, at the permittee's option, **MAY** deduct up to and including
25 thirty per cent of the total amount handled in the exacta, daily double,
26 quinella and other wagering pools involving two horses or dogs, and up to and
27 including thirty-five per cent of the total amount handled in the trifecta or
28 other wagering pools involving more than two horses or dogs in one or more
29 races. The amounts if deducted shall be distributed as prescribed in
30 subsection D of this section and section 5-111.02 for horse or harness racing
31 permittees. For dog racing permittees, unless otherwise agreed by written
32 contract, the permittee shall allocate to purses from amounts wagered on live
33 racing conducted in this state an amount equal to fifty per cent of any
34 amounts that are deducted pursuant to this subsection in excess of twenty per
35 cent of the total amount handled in the regular pari-mutuel pools, twenty-one
36 per cent of the total amount handled in the exacta, daily double, quinella
37 and other wagering pools involving two dogs or twenty-five per cent of the
38 total amount handled in the trifecta or other wagering pools involving more
39 than two dogs in one or more races. For dog racing permittees the
40 percentages prescribed in subsection B of this section shall be distributed
41 to the state and to the trust account for payment of purse amounts and the
42 permittee shall receive the balance. If the dog racing permittee has made
43 capital improvements, the distribution to the state shall be adjusted as
44 provided in section 5-111.03. Monies deposited in the trust account for
45 payment of purses pursuant to this subsection shall be in addition to amounts
46 deposited pursuant to subsection B of this section.

1 D. During the period of a permit for horse or harness racing, the
2 state shall receive two per cent of the gross amount of the first one million
3 dollars of the daily pari-mutuel pools and five per cent of the gross amount
4 exceeding one million dollars of the daily pari-mutuel
5 pools. Notwithstanding any other provision of this subsection, the
6 percentage paid by a permittee to the state does not apply to monies handled
7 in a pari-mutuel pool for wagering on simulcasts of out-of-state races. ~~The~~
8 ~~permittee shall retain the balance of the total amounts deducted pursuant to~~
9 ~~subsection C of this section. Of FROM the amount retained by the permittee,~~
10 ~~less the amount~~ DEDUCTED PURSUANT TO SUBSECTION C OF THIS SECTION FROM
11 WAGERING ON LIVE OR SIMULCAST HORSE RACING OR SIMULCAST HARNESS RACING, AFTER
12 DEDUCTIONS FOR ALLOCATIONS TO THIS STATE AS PROVIDED IN SUBSECTION C OF THIS
13 SECTION, THE AMOUNTS payable to the permittee for capital improvements
14 pursuant to ~~section~~ SECTIONS 5-111.02 AND 5-111.03, breakage distributed to
15 the permittee pursuant to section 5-111.01, ~~and~~ other applicable state,
16 county and city transaction privilege or other taxes AND SIMULCAST FEES,
17 unless otherwise agreed by written contract, A COMMERCIAL HORSE RACING
18 PERMITTEE SHALL ALLOCATE fifty per cent ~~shall~~ OF THE BALANCE TO be used for
19 purses AT THE RACETRACK ENCLOSURE WHERE THE COMMERCIAL HORSE RACING PERMITTEE
20 CONDUCTS LIVE RACING. A COMMERCIAL LIVE DOG RACING PERMITTEE SHALL ALLOCATE
21 AMOUNTS NET OF COSTS OF ADVERTISING DEDUCTED FROM THE PROCEEDS RECEIVED FROM
22 WAGERING ON SIMULCAST HARNESS RACING IN THE SAME MANNER PROVIDED IN
23 SUBSECTION B OF THIS SECTION. Unless otherwise agreed by written contract,
24 fifty per cent of the revenues received by the permittee from simulcasting
25 races as provided in section 5-112, net of costs of advertising, shall be
26 utilized as a supplement to the general purse structure. All amounts ~~which~~
27 ~~THAT~~ are deducted from the pari-mutuel pool for purses pursuant to this
28 section and sections 5-111.01, 5-112 and 5-114 and ~~revenues which~~ PROCEEDS
29 ~~THAT~~ are received from simulcasting and ~~which~~ ~~THAT~~ are to be used as a
30 supplement to the general purse structure pursuant to this subsection shall
31 be deposited daily into a trust account for the payment of purse amounts.

32 E. Any county fair racing association may apply to the commission for
33 one racing meeting each year and the commission shall set the number of days
34 and the dates of such meetings. A racing meeting conducted under this
35 subsection shall be operated in such manner that all profits accrue to the
36 county fair racing association, and the county fair racing association may
37 deduct from the pari-mutuel pool the same amount as prescribed in subsection
38 C of this section. All county fair racing meetings, whether conducted by
39 county fair racing associations under ~~the provisions of~~ this subsection or by
40 an individual, corporation or association other than a county fair racing
41 association, are exempt from the payment to the state of the percentage of
42 the pari-mutuel pool prescribed by subsection D of this section and are also
43 exempt from ~~the provisions of~~ section 5-111.01.

44 F. Monies from charity racing days are exempt from the state
45 percentage of the pari-mutuel pool prescribed in this section.

1 G. Sums held by a permittee for payment of unclaimed pari-mutuel
2 tickets are exempt from ~~the provisions of~~ the revised Arizona unclaimed
3 property act, title 44, chapter 3.

4 H. All of the amounts received by a permittee from the gross amount of
5 monies handled in a pari-mutuel pool and all amounts held by a permittee for
6 payment of purses pursuant to this section and sections 5-111.01, 5-112 and
7 5-114 are exempt from the provisions of title 42, chapter 5.

8 I. On August 1 of each year a permittee is eligible for a hardship tax
9 credit pursuant to this subsection. For THE purposes of this subsection,
10 "permittee" ~~shall include~~ INCLUDES any person who has succeeded to the
11 interest of a permittee and who is authorized to conduct racing at the
12 facility for which the permit was issued. The department shall determine the
13 amount of any hardship tax credit as follows:

14 1. Determine the percentage decrease in pari-mutuel wagering by
15 determining the percentage decrease in pari-mutuel wagering between the base
16 period amount and the amount of pari-mutuel wagering in the previous fiscal
17 year at the racetrack and the additional wagering facilities operated by the
18 permittee. The base period amount is the highest total annual pari-mutuel
19 wagering at the racetrack and all additional wagering facilities as reported
20 to the department for fiscal year 1989-1990, 1990-1991, 1991-1992, 1992-1993
21 or 1993-1994.

22 2. Determine the permittee's hardship tax credit by multiplying the
23 total pari-mutuel tax due as a result of wagering at the racetrack and all
24 additional wagering facilities for the previous fiscal year before applying
25 any hardship tax credit amount by the percentage decrease in pari-mutuel
26 wagering determined pursuant to paragraph 1 of this subsection and
27 multiplying the result by three.

28 3. The permittee's pari-mutuel tax due as otherwise determined under
29 subsections B and D of this section shall be reduced for the current period
30 and any future periods by an amount equal to the amount of the hardship tax
31 credit determined pursuant to this subsection. The hardship tax credit is in
32 addition to any other tax exemptions, rebates and credits.

33 Sec. 3. Section 5-112, Arizona Revised Statutes, is amended to read:

34 5-112. Wagering legalized; simulcasting of races; unauthorized
35 wagering prohibited; classification

36 A. Except as provided in subsection L of this section, section
37 5-101.01, subsection G and title 13, chapter 33, any person within the
38 enclosure of a racing meeting held pursuant to ~~the provisions of~~ this article
39 may wager on the results of a race held at the meeting or televised to the
40 racetrack enclosure by simulcasting pursuant to this section by contributing
41 money to a pari-mutuel pool operated by the permittee as provided by this
42 article.

43 B. The department ~~may~~, upon request by a permittee, MAY grant
44 permission for electronically televised simulcasts of horse, harness or dog
45 races to be received by the ~~permittee~~ COMMERCIAL LIVE RACING PERMITTEE AT THE
46 PERMITTEE'S LIVE RACING ENCLOSURE. In counties having a population of one

1 million five hundred thousand persons or more according to the most recent
 2 United States decennial census, the simulcasts shall be received at the
 3 racetrack enclosure where a horse, harness or dog racing meeting is being
 4 conducted, provided that the simulcast may only be received during,
 5 ~~immediately~~ before or ~~immediately~~ after a minimum of nine ~~posted~~ races **HAVE**
 6 **BEEN POSTED** for that racing day. In counties having a population of five
 7 hundred thousand persons or more, but less than one million five hundred
 8 thousand persons according to the most recent United States decennial census,
 9 the simulcasts shall be received at the racetrack enclosure where a horse,
 10 harness or dog racing meeting is being conducted provided that the simulcast
 11 may only be received during, ~~immediately~~ before or ~~immediately~~ after a
 12 minimum of four posted races for that racing day. In all other counties, the
 13 simulcasts shall be received at a racetrack enclosure at which authorized
 14 racing has been conducted whether or not posted races have been offered for
 15 the day the simulcast is received. The simulcasts shall be limited to horse,
 16 harness or dog races. The simulcasts shall be limited to the same type of
 17 racing as authorized in the permit for live racing conducted by the
 18 permittee. The department ~~may~~, upon request by a permittee, **MAY** grant
 19 permission for the permittee to transmit the live race from the racetrack
 20 enclosure where a horse, harness or dog racing meeting is being conducted to
 21 a facility or facilities in another state. All simulcasts of horse or
 22 harness races shall comply with the interstate horse racing act of 1978 (P.L.
 23 95-515; 92 Stat. 1811; 15 United States Code chapter 57). All forms of
 24 pari-mutuel wagering shall be allowed on **LIVE OR SIMULCAST** horse, harness or
 25 dog races ~~televised by simulcasting~~ **AVAILABLE FOR WAGERING CONDUCTED BY A**
 26 **LIVE COMMERCIAL HORSE OR DOG RACING PERMITTEE UNDER THIS CHAPTER**. All monies
 27 wagered by patrons on these horse, harness or dog races shall be computed in
 28 the amount of money wagered each racing day for purposes of section 5-111.

29 C. Notwithstanding subsection B of this section, in counties having a
 30 population of one million five hundred thousand persons or more according to
 31 the most recent United States decennial census, simulcasts may be received
 32 at the racetrack enclosure and ~~at~~ **THE PERMITTEE MAY OFFER PARIMUTUEL WAGERING**
 33 **ON THE SIMULCASTS AT** any additional wagering facility used by a permittee for
 34 handling wagering as provided in section 5-111, subsection A during a
 35 permittee's racing meeting as approved by the commission, **WHETHER OR NOT THE**
 36 **SIMULCASTS ARE TELEVISED TO THE ADDITIONAL WAGERING FACILITY AND** whether or
 37 not posted races have been conducted on the day the simulcast is received,
 38 if:

39 1. For horse and harness racing, the permittee's racing permit
 40 requires the permittee to conduct ~~a minimum~~ **AN AVERAGE** of nine posted races
 41 on an average of five racing days each week at the permittee's racetrack
 42 enclosure during the period beginning on October 1 and ending on the first
 43 full week in May.

44 2. For dog racing, the permittee is required to conduct ~~a minimum~~ **AN**
 45 **AVERAGE** of twelve posted races on each of five days each week for fifty weeks
 46 during a calendar year at the permittee's racetrack enclosure.

1 D. Notwithstanding subsection B of this section, in counties having a
2 population of five hundred thousand persons or more but less than one million
3 five hundred thousand persons according to the most recent United States
4 decennial census, simulcasts may be received at the racetrack enclosure and
5 the PERMITTEE MAY OFFER PARI-MUTUEL WAGERING ON THE SIMULCASTS at any
6 additional wagering facility used by a permittee for handling wagering as
7 provided in section 5-111, subsection A during a permittee's racing meeting
8 as approved by the commission, WHETHER OR NOT THE SIMULCASTS ARE TELEVISED TO
9 THE ADDITIONAL WAGERING FACILITY AND whether or not posted races have been
10 conducted on the day the simulcast is received, subject to the following
11 conditions:

12 1. For horse and harness racing, the permittee may conduct wagering on
13 dark day simulcasts for twenty days, provided the permittee conducts a
14 minimum of seven posted races on each of the racing days mandated in the
15 permittee's commercial racing permit. In order to conduct wagering on dark
16 day simulcasts for more than twenty days, the permittee is required to
17 conduct ~~a minimum~~ AN AVERAGE of seven posted races on one hundred forty
18 racing days at the permittee's racetrack enclosure.

19 2. For dog racing, the permittee is required to conduct ~~a minimum~~ AN
20 AVERAGE of nine posted races on each of four days each week for fifty weeks
21 during a calendar year at the permittee's racetrack enclosure.

22 E. In an emergency and upon a showing of good cause by a permittee,
23 the commission may grant an exception to the minimum racing day requirements
24 of subsections C and D of this section.

25 F. The minimum racing day requirements of subsections C and D of this
26 section shall be computed by adding all racing days, including any county
27 fair racing days operated in accordance with section 5-110, subsection F,
28 allotted to the permittee's racetrack enclosure in one or more racing permits
29 and all racing days allotted to the permittee's racetrack enclosure pursuant
30 to section 5-110, subsection H.

31 G. Notwithstanding subsection B of this section and subject to
32 subsections C and D of this section, during the period of the permit for
33 horse racing, wagering on dark day simulcasts of horse races at a permittee's
34 additional wagering facilities shall only be allowed for a maximum number of
35 days equal to the number of days of live horse racing scheduled to be
36 conducted at that permittee's racetrack enclosure during the permittee's
37 racing meeting, and during the period of a permit for dog racing, wagering on
38 dark day simulcasts of dog races at a permittee's additional wagering
39 facilities shall only be allowed for a maximum number of days equal to the
40 number of days of live dog racing scheduled to be conducted at that
41 permittee's racetrack enclosure during the permittee's racing meeting. The
42 number of days allowed for dark day simulcasting under this subsection shall
43 be computed by adding all racing days, including any county fair racing days
44 operated in accordance with section 5-110, subsection F, allotted to the
45 permittee's racetrack enclosure in one or more racing permits and all racing

1 days allocated to the permittee's racetrack enclosure pursuant to section
2 5-110, subsection H.

3 H. Simulcast signals or teletracking of simulcast signals does not
4 prohibit live racing or teletracking of that live racing in any county at any
5 time.

6 I. Except as provided in subsection L of this section, section
7 5-101.01, subsection G and title 13, chapter 33, any person within a
8 racetrack enclosure or an additional facility authorized for wagering
9 pursuant to section 5-111, subsection A may wager on the results of a race
10 televised to the ~~facility~~ PERMITTEE'S LIVE RACING ENCLOSURE pursuant to
11 section 5-111, subsection A by contributing to a pari-mutuel pool operated as
12 provided by this article.

13 J. Notwithstanding subsection B of this section, the department, in
14 counties having a population of one million five hundred thousand persons or
15 more according to the most recent United States decennial census, ~~may, upon~~
16 AND ON request by a permittee for one day each year, MAY grant permission for
17 simulcasts to be received without compliance with the minimum of nine posted
18 races requirement.

19 K. Except as provided in this article and in title 13, chapter 33, all
20 forms of wagering or betting on the results of a race, including but not
21 limited to buying, selling, cashing, exchanging or acquiring a financial
22 interest in pari-mutuel tickets, except by operation of law, whether the race
23 is conducted in this state or elsewhere, are illegal.

24 L. ~~Until June 1, 2003, a permittee shall not knowingly permit a minor~~
25 ~~to be a patron of the pari-mutuel system of wagering. Beginning on June 1,~~
26 ~~2003,~~ A permittee shall not knowingly permit a person who is under twenty-one
27 years of age to be a patron of the pari-mutuel system of wagering.

28 M. Except as provided in title 13, chapter 33, any person ~~violating~~
29 ~~any provision of~~ WHO VIOLATES this article with respect to any wagering or
30 betting, whether the race is conducted within or without this state, is
31 guilty of a class 6 felony.

32 N. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, simulcasting may only
33 be authorized for the same type of racing authorized by a permittee's live
34 racing permit.

35 O. IN ADDITION TO PARI-MUTUEL WAGERING OTHERWISE AUTHORIZED BY THIS
36 CHAPTER, WITH THE CONSENT OF EVERY COMMERCIAL LIVE RACING PERMITTEE IN THIS
37 STATE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
38 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH OF THE YEARS FROM 1994 TO
39 2004, ADVANCE DEPOSIT WAGERING MAY BE CONDUCTED BY A LIVE COMMERCIAL RACING
40 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
41 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH OF THE YEARS FROM 1994 TO
42 2004 ON SUCH CONDITIONS AS THE COMMISSION APPROVES. FOR THE PURPOSES OF THIS
43 SUBSECTION, "ADVANCE DEPOSIT WAGERING" MEANS A FORM OF PARI-MUTUEL WAGERING
44 IN WHICH A PERSON MAY DEPOSIT FUNDS IN ADVANCE IN AN ACCOUNT WITH A
45 COMMERCIAL LIVE RACING PERMITTEE AND USE THE FUNDS TO PAY FOR PARI-MUTUEL

- 1 WAGERING CONDUCTED BY THE PERMITTEE. AN ADVANCE DEPOSIT WAGER MAY BE MADE IN
- 2 PERSON OR BY TELEPHONE CALL BY THE OWNER OF THE ACCOUNT TO THE PERMITTEE.